THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

-

WRIT PETITION NO.27123 OF 2005

Date: 23-01-2006

Between:

M/s Vijaya Cotton Ginning Mills …Petitioner

And

Commercial Tax Officer and others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION NO.27123 OF 2005

O R D E R (Per the Hon'ble Sri Bilal Nazki, J):

Heard learned counsel for the parties.

Counter has been filed. Order dated 05-09-2005 was passed in a revision by the Deputy Commissioner, when the appeal before the appellate authority was pending. This was stated by the petitioner in his objections, but the revisional authority did not consider this plea. The learned Government Pleader has conceded that an appeal was pending when the revision was decided, but the writ petitioner had not placed any proof before the revisional authority when he decided the revision. In this view of the matter, the order dated 05-09-2005 is set aside and the writ petition is accordingly allowed. No order as to costs.

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(Bilal Nazki, J)

23rd January, 2006

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(D.Appa Rao, J)

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